

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**RONALD D. LEONARD,**

**Petitioner,**

**v.**

**CASE NO. 2:10-CV-769**

**JUDGE JAMES L. GRAHAM**

**MAGISTRATE JUDGE E.A. Preston Deavers**

**ROBIN KNAB, Warden,**

**Respondent.**

**ORDER**

Petitioner has filed a motion for the appointment of counsel and for copies of the exhibits attached to his Traverse to be served upon the Respondent free of cost and Petitioner provided with a certified copy confirming receipt (Doc. 12.) For the reasons that follow, Petitioner's motion, (Doc. 12), is **DENIED**.

As to Petitioner's request for the appointment of counsel to assist him in these proceedings,

[i]t is well established that a habeas corpus proceeding is civil in nature, and the Sixth Amendment right to counsel afforded for criminal proceedings does not apply.... The decision to appoint counsel for a federal habeas petitioner is within the discretion of the court and is required only where the interests of justice or due process so require. 18 U.S.C. § 3006A(g); .... Appointment of counsel in a habeas proceeding has been found to be mandatory only if the district court determines that an evidentiary hearing is required. Rule 8(c), Rules Governing § 2254 Cases. Where no evidentiary hearing is necessary, as in the instant case, the district court will often consider (1) the legal complexity of the case, (2) factual complexity of the case, and (3) petitioner's ability to investigate and present his claims, along with any other relevant factors.

*Gammalo v. Eberlin*, No. 1:05CV617, 2006 WL 1805898, at \*2 (N.D. Ohio June 29, 2006) (citations omitted).

Upon review of the record, this Court is not persuaded that the interests of justice or due process necessitate the appointment of counsel on Petitioner's behalf at this time. It does not appear that an evidentiary hearing will be required to resolve Petitioner's claims. Further, the record reflects that Petitioner has effectively argued his position to date without the benefit of an attorney. Moreover, resolution of his claims does not appear to be unduly complex such that the appointment of counsel is required. Therefore, Petitioner's request for the appointment of counsel is **DENIED**.

Petitioner's request that Respondent be served with a copy of the exhibits attached to his Traverse free of cost, and that Petitioner be provided with a certified copy confirming receipt also is **DENIED**. The exhibits Petitioner refers to are readily accessible to Respondent and are a part of the record before this Court.

Therefore, Petitioner's motion (Doc. 12), is **DENIED**.

**IT IS SO ORDERED.**

s/ Elizabeth A. Preston Deavers  
Elizabeth A. Preston Deavers  
United States Magistrate Judge

Date: January 5, 2011